



Docket No. 23660/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Melvyn Smith ART UNIT: Not Yet Assigned
SERIAL NO.: 10/612,869
FILED: July 2, 2003
FOR: ***DETECTION OF EPSTEIN BARR VIRUS***

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: Sandra J. Graves
Sandra J. Graves

September 17, 2003
Date

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: September 17, 2003

Pursuant to Applicant(s) duty of disclosure, the information listed in the attached form PTO-1449 is brought to the attention of the Examiner. Copies of the listed items are enclosed.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with the requirement under 37 C.F.R. 1.98 (3)(i), the following are concise explanations of the relevance, as presently understood, with regard to those items submitted herewith that are not in the English language:

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. ☒ Submitted herewith is a legible copy of (i) each U.S and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- a. ☒ Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. ☐ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. ☐ The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)
(check one box)

- a. ☒ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☐ before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37

C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

b. ☐ See the certification below. No fee is required.

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. ☒ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. ☐ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. ☐ Some of the items of information were cited in a communication from a foreign Patent Office as indicated in the Form 1449 by those references having an asterisk(*). As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

- ☐ A check in the amount of \$180.00 is enclosed for the above-indicated fee. A duplicate copy of this paper is attached.
- ☒ No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM ADJUSTMENT)

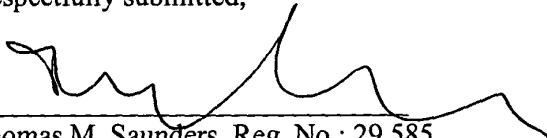
Applies to original applications (other than design) filed on or after May 29, 2000.

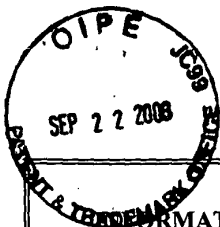
- a. X Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b. X Enclosed herewith is form PTO-1449.
- c. X Copies of cited references are enclosed.
- d. The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

If the Examiner has any questions concerning this IDS, the Examiner is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge any additional fees to Deposit Account No. 50-0369.

Respectfully submitted,

Date: September 17, 2003


Thomas M. Saunders, Reg. No.: 29,585
BROWN RUDNICK BERLACK ISRAELS LLP
Attorney(s) for Applicants
Customer No. 21710
One Financial Center, Box IP
Boston, MA 02111
Tel: (617) 856-8284
Fax: (617) 856-8201



FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT				ATTY. DOCKET NO. 23660/2		SERIAL NO. 10/612,869	
				APPLICANT(S): Melvyn Smith			
				FILING DATE: July 2, 2003		ART UNIT: Not Yet Assigned	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
	AA	WO 95/22554	08/24/1995	PCT	C07H	21/00	Y
	AB	WO 02/064842 A2	08/22/2002	PCT	C12Q	1/68	Y
	AC	WO 99/45155	09/10/1999	PCT	C12Q	1/70	Y
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
	BA	Antoinette A. T. P. Brink et al. "Multiprimed cDNA Synthesis Followed by PCR is the Most Suitable Method for Epstein-Barr Virus Transcript Analysis in Small Lymphoma Biopsies", <i>Molecular and Cellular Probes</i> , Vol. 11, pp. 39-47, (1997).					
Examiner:				Date:			